May 20, 2015

Clerk to the Honorable
Judge Martin Glenn
United States Bankruptcy Judge
Southern District of New York
One Bowling Green
New York, New York, 10004

Dear Madam:

Enclosed find my Motion to Set Aside Order Dismissing Claim along with supporting documents.

I would appreciate the Motion being heard without Oral Arguments and/or by telephone. The cost to us to fly to and from New York is very expensive and my income is Social Security.

Thanking you in advance for your cooperation.

///**////** ()

Ronald G. Kraft

24684 Hathaway Street Farmington Hills, Michigan 48335

248-909-2559

RECEIVED

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U.S. BANKRUPTCY COURT, SDNY

UNITED STATES BANKRUPTCY	COURT
SOUTHERN DISTRICT OF NEW Y	

In re:

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors,

Jointly Administered

MOTION TO SET ASIDE ORDER DISMISSING CLAIM

Now comes Ronald G. Kraft and Marlene L. Kraft and files this Motion to Set Aside Order Dismissing Claim and says as follows:

- 1. Claim was filed by Ronald G. Kraft and Marlene L. Kraft in the sum of \$4000,000.00 as General Creditors in the above Bankruptcy Claim No: 2359.
- 2. Objections Claim were filed with this Court and Proof of Service was filed indicating Service of Objection to Claim was mailed to Ronald G. Kraft and Marlene Kraft at:

24384 Hachaway, Farmington Hills, Michigan 48334

(which is an incorrect address, see Exhibit A)

3. We never received that notice because our address is:

24684 Hathaway, Farmington Hills, Michigan 48335 (see Exhibit B)

4. The Proof of Service filed with the Court indicates Notice of same was mailed to:

24384 Hachaway, Farmington Hills, Michigan 48334

- 5. The first time I discovered that our claim was objected to was when I called the Law Firm of Kramer, Levin, Naftalis & Frankel LLP and was informed of the Objection and also the Proof of Service. They mailed me a copy of the Proof of Service.
- 6. With No Request for Hearing filed by the Claimants to the Objection the Court Dismissed our Claim. The Court records show our address to be 24684 Hathaway Street, Farmington Hills, Michigan, 48335 Cincinnati, Ohio 45999 (see attached Affidavit of No Service)

7. We have a Meritorious Claim which was filed with the Bankruptcy Court.

Based on the fact that we have never received the Notice of Objection, we request this court to Set Aside the Order dismissing our Claim and/or reinstate Our Claim or Set a date of Hearing as to the Merits of the Claim.

Respectfully/submitted,

24684 Hathaway Street

Farmington Hills, Michigan 48335

Telephone # 248-909-2559

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12-12020-mg Doc 6155 Filed 12/19/13 Francis 4 2/10/43 11 Docket #6155 Date Filed: 12/19/2013 Pg 1 of /

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

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In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, et al.,	ĺ	Chapter 11
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Thuktum.	1	Jointly Administered
Debtors.	7	Julius Administered
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ORDER GRANTING DEBTORS' FIFTY-FIRST OMNIBUS OBJECTION TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS -RES JUDICATA AND WRONG DEBTOR)

Upon the fifty-first omnibus objection to claims, dated November 8, 2013 [Docket No. 5646] (the "Fifty-First Omnibus Claims Objection") of Residential Capital, LLC and its affiliated debtors in the above-referenced Chapter 11 Cases, as debtors and debtors in possession (collectively, the "Debtors"), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim (ECF Doc. # 3294) (the "Procedures Order"), disallowing and expunging the No Liability Borrower Claims on the basis that such claims are invalid under principles of res judicata and/or having been filed against the wrong debtor entity, all as more fully described in the Fifty-First Omnibus Claims Objection; and it appearing that this Court has jurisdiction to consider the Fifty-First Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Fifty-First Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of

Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Fifty-First Omnibus Claims Objection.



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12-12020-mg Doc 6155 Filed 12/19/13 Entered 12/19/13 11:09:05 Main Document Pg 2 of 7

the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delchey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1-3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as <u>Exhibit A</u> hereto so that such claims are no longer maintained on the Debtors' claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

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Pq 6 of 23

Filed 12/19/13 Entered 12/19/13 11:09:05 Main Document Doc 6155 12-12020-mg Pg 3 of 7

Jamie L. Gindele (Claim Nos. 5422 and 5431)

ORDERED that the Debtors are authorized and empowered to take all actions as may be

necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Fifty-First Omnibus Claims Objection, as provided therein,

shall be deemed good and sufficient notice of such objection, and the requirements of

Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 (ECF

Doc. # 141), the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by

such notice; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity,

allowance, or disallowance of any claim not listed on Exhibit A annexed to this Order, and the

Debtors' and any party in interest's rights to object on any basis are expressly reserved with

respect to any such claim not listed on Exhibit A annexed hereto; and it is further

ORDERED that this Order shall be a final order with respect to each of the No Liability

Borrower Claims identified on Exhibit A, annexed hereto, as if each such No Liability Borrower

Claim had been individually objected to; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all

matters arising from or related to this Order.

Dated: December 19, 2013 New York, New York

/s/Martin Gle<u>nn</u>

MARTIN GLENN

United States Bankruptcy Judge

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GMAC Mortgage c/o Kurtzman Carson Consultants LLC PO Box 8013 Redondo Beach, CA 90277

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PRF 48744 725540

MARLENE L KRAFT 24684 HATHAWAY ST FARMINGTON HILLS MI 48335-1547

UNITED STATES BANKRUPTCY C	OURT
SOUTHERN DISTRICT OF NEW YO)RK

In re:

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors,

Jointly Administered

PROOF OF SERVICE

On this 29 day of May 2015, a Motion To Set Aside Order Dismissing Claim along with Affidavit of No Service was mailed to the following persons or companies by First Claim mail with proper postage affixed and property addressed to:

Counsel to the Debtors

Larren M. Nashelsky

Gary S. Lee

Lorenzo Mannuzzi

Morrison & Foerster LLP 1290 Avenue of the Americas New York, New York 10104 Kramer, Levin, Naftalis & Frankel LLP

Counsel for the Official Committee of Unsecured Creditors

1177 Avenue of the Americas New York, New York 10036

Office of the United States Trustee Tracy Hope Davis

201 Varick Street, Suite 1006 New York New York 10004 Counsel to the Official Committee of Unsecured

Creditors

Kenneth H. Eckstein Thomas Moers Mayer Douglas H. Mannal

1177 Avenue of the Americas New York, New York 10036 Counsel to the Examiner Howard Seife David M. LeMay Robert J. Gayda Marc B. Roitman Chadbourne & Park LLP 30 Rockefeller Plaza New York, New York 10112

Subscribed and sworn to Before me a Notary Public on This U day of May, 2015

Notary Public: Notary Public, State of Michigan

Notary Public:

My Commission Expires

My Commission Expires 09-16-2019

Acting in the county of Oakland

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors.

Jointly Administered

AFFIDAVIT OF NO SERVICE

Ronald G. Kraft being duly sworn before a Notary Public deposes and states as follows:

I never received a copy of Objections to Claim filed by Marlene Kraft and myself nor did I receive a copy of Order Granting Objection to Claim until I contacted the office of Morrison and Forerster, who informed me that an Order dismissing our Claim was entered by the Court with no Objections filed by my wife or myself.

They mailed me a copy of the Order and the Proof of Service.

The Proof of Service indicated the Objections to our Claim was mailed to

24384 Hachaway Street Farmington Hills, 48334

not 24684 Hathaway Street, Farmington Hills, 48335

Our address is 24684 Hathaway Street, Farmington Hills, Michigan, 48335

Subscribed and sworn to

Before me a Notary Public on This 24 day of May, 2015

TRACEY LEE

Notary Public, State of Michigan

County of Wayne

My Commission Expires (19-16-2019

Notary Public:

Acting in the county of Oakland

My Commission Expires:

May 20, 2015

Clerk to the Honorable Judge Martin Glenn United States Bankruptcy Judge Southern District of New York One Bowling Green New York, New York, 10004

Dear Madam:

Enclosed find my Motion to Set Aside Order Dismissing Claim along with supporting documents.

I would appreciate the Motion being heard without Oral Arguments and/or by telephone. The cost to us to fly to and from New York is very expensive and my income is Social Security.

Thanking you in advance for your cooperation.

Very truly yours

Ronald G. Kraft

24684 Hathaway Street

Farmington Hills, Michigan 48335

248-909-2559

RECEIVED

JUN - 8 2015

U.S. BANKRUPTCY COURT, SDNY

UNITED STATES BANKRUPTCY	COURT
SOUTHERN DISTRICT OF NEW Y	ORK

In re:

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors.

Jointly Administered

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Based on the fact that we have never received the Notice of Objection, we request this court to Set Aside the Order dismissing our Claim and/or reinstate Our Claim or Set a date of Hearing as to the Merits of the Claim.

Respectfully submitted,

24684 Hathaway Street

Farmington Hills, Michigan 48335

Telephone # 248-909-2559

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

In re:

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors,

Jointly Administered

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not 24684 Hathaway Street, Farmington Hills, 48335

Our address is 24684 Hathaway Street, Farmington Hills, Michigan, 48335

Subscribed and sworn to

Before me a Notary Public on This 29 day of May, 2015

TRACEY LEE

Notary Public, State of Michigan

County of Wayne

My Commission Expires 09-16-2019

Acting in the county of Oakland

My Commission Expires:

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GMAC Mortgage c/o Kurtzman Carson Consultants LLC PO Box 8013 Redondo Beach, CA 90277

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MARLENE L KRAFT 24684 HATHAWAY ST FARMINGTON HILLS MI 48335-1547 12-12020-mg Doc 8747 Filed 06/08/15 Entered 06/12/15 16:21:19 Main Document

12-12020-mg Doc 6155 Filed 12/19/13 Total 4 2/10/43 11 Docket #6155 Date Filed: 12/19/2013

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

100 days 100)	
In re:	(Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, et al.,)	Chapter 11
Debtors.)	Jointly Administered
)	

ORDER GRANTING DEBTORS' FIFTY-FIRST OMNIBUS OBJECTION TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS - RES JUDICATA AND WRONG DEBTOR)

Upon the fifty-first omnibus objection to claims, dated November 8, 2013 [Docket No. 5646] (the "Fifty-First Omnibus Claims Objection") of Residential Capital, LLC and its affiliated debtors in the above-referenced Chapter 11 Cases, as debtors and debtors in possession (collectively, the "Debtors"), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the "Bankruptcy Code"), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court's order approving procedures for the filing of omnibus objections to proofs of claim (ECF Doc. # 3294) (the "Procedures Order"), disallowing and expunging the No Liability Borrower Claims on the basis that such claims are invalid under principles of res judicate and/or having been filed against the wrong debtor entity, all as more fully described in the Fifty-First Omnibus Claims Objection; and it appearing that this Court has jurisdiction to consider the Fifty-First Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Fifty-First Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of

Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Fifty-First Omnibus Claims Objection.



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12-12020-mg Doc 6155 Filed 12/19/13 Entered 12/19/13 11:09:05 Main Document Pg 2 of 7

the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delchey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1-3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit Λ annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors' claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as Exhibit A hereto so that such claims are no longer maintained on the Debtors' claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

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12-12020-mg Doc 6155 Filed 12/19/13 Entered 12/19/13 11:09:05 Main Document Pg 2 of 7

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ORDERED that, pursuant to section 502(b) of the Bankruptey Code, the claims listed on Exhibit A annexed hereto under the heading "Claims to be Disallowed and Expunged" (collectively, the "No Liability Borrower Claims") are disallowed and expunged with prejudice; and it is further

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Pg 21 of 23

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Jamie L. Gindele (Claim Nos. 5422 and 5431)

ORDERED that the Debtors are authorized and empowered to take all actions as may be

necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Fifty-First Omnibus Claims Objection, as provided therein,

shall be deemed good and sufficient notice of such objection, and the requirements of

Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 (ECF

Doc. # 141), the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by

such notice; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity,

allowance, or disallowance of any claim not listed on Exhibit A annexed to this Order, and the

Debtors' and any party in interest's rights to object on any basis are expressly reserved with

respect to any such claim not listed on Exhibit A annexed hereto; and it is further

ORDERED that this Order shall be a final order with respect to each of the No Liability

Borrower Claims identified on Exhibit A, annexed hereto, as if each such No Liability Borrower

Claim had been individually objected to; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all

matters arising from or related to this Order.

Dated: December 19, 2013

New York, New York

/s/Martin Gle<u>nn</u>

MARTIN GLENN

United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COUR
SOUTHERN DISTRICT OF NEW YORK

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	10.

Case No: 12-12020 (MG)

RESIDENTIAL CAPITAL, LLC, et al

Chapter 11

Debtors, Jointly Administered

PROOF OF SERVICE

On this 29 day of May 2015, a Motion To Set Aside Order Dismissing Claim along with Affidavit of No Service was mailed to the following persons or companies by First Claim mail with proper postage affixed and property addressed to:

Counsel to the Debtors Larren M. Nashelsky Gary S. Lee Lorenzo Mannuzzi

Morrison & Foerster LLP 1290 Avenue of the Americas New York, New York 10104 Kramer, Levin, Naftalis & Frankel LLP

Counsel for the Official Committee of Unsecured Creditors

1177 Avenue of the Americas New York, New York 10036

Office of the United States Trustee

Tracy Hope Davis

201 Varick Street, Suite 1006 New York New York 10004 Counsel to the Official Committee of Unsecured

Creditors

Kenneth H. Eckstein Thomas Moers Mayer Douglas H. Mannal

1177 Avenue of the Americas New York, New York 10036 Counsel to the Examiner Howard Seife David M. LeMay Robert J. Gayda Marc B. Roitman Chadbourne & Park LLP 30 Rockefeller Plaza New York, New York 10112

Subscribed and sworn to Before me a Notary Public on

day of May, 2015

Notary Public, State of Michigan Notary Public:

My Commission Expires U9-16-2019

Acting in the county of Oakland